

MARK KIRK
ILLINOIS

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COMMITTEES:
APPROPRIATIONS
BANKING, HOUSING & URBAN AFFAIRS
HEALTH, EDUCATION, LABOR & PENSIONS
AGING

United States Senate

December 23, 2013

Accepted/Filed

JAN 29 2014

FCC Office of the Secretary

CC: 02-6

WCCB
Council American
E-rate
14-33M

Ms. Terri Glaze
Acting Director; Office of Legislative Affairs
Federal Communications Commission
445 Twelfth Street, SW, Room 8-C445
Washington, D.C. 20554

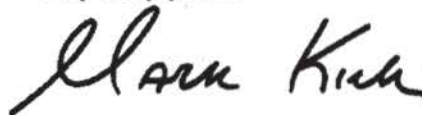
Dear Ms. Glaze:

Enclosed please find the correspondence I received from my constituent, Eve Kirk, of Cherry Valley, Illinois.

My constituent is the Director of Cherry Valley Public Library. Ms. Kirk contacted my office regarding the USAC's denial of the library's submission for e-rate rebates for the fiscal year 2013-2014. Ms. Kirk respectfully requests that the FCC review her attached documentation. Further details may be found in the attached documents. I appreciate any assistance or further information you may be able to offer my constituent.

Thank you in advance for your attention to this matter. Please do not hesitate to contact my Constituent Services Representative, Megan Toal, at 312-886-3506 should you have any additional questions.

Very truly yours,



Mark Kirk
United States Senator

MSK:MT

No. of Copies rec'd 1
List ABCDE

CHICAGO OFFICE
230 SOUTH DEARBORN ST.
SUITE 3900
CHICAGO, IL 60604
312-886-3506

SPRINGFIELD OFFICE
607 EAST ADAMS ST.
SUITE 1520
SPRINGFIELD, IL 62701
217-492-5089
www.kirk.senate.gov

WASHINGTON OFFICE
524 HART BUILDING
WASHINGTON, DC 20510
202-224-2854

United States Senate

WASHINGTON, DC 20510

Privacy Act ReleaseName Eve G. Kirk, Director Cherry Valley Public LibraryAddress 755 E. State St. DistrictCherry Valley, IL 61016Home Phone 815-398-2858Work Phone 815-332-5161Cellular Phone 815-298-0053E-Mail Address eve.k@cherryvalley.lib.il.usAgency Involved Schools+Libraries Universal Services usac.orgPertinent Case Number(s) Funding Year 2013 FCC Form 471 893913FRN 02429894. DENIED (Aloptic internet connection)

Please provide a brief description of your issue. You may attach additional pages or supporting documents if necessary.

*will email to Megan

Pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, I authorize the release of all pertinent records and information regarding my case to Senator Mark Kirk and his staff. The information I have provided to Senator Kirk's office is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Kirk's office is in no way an attempt to evade or violate any federal, state or local law.

Signature Eve G. Kirk Date 12-20-2013

Please return to: Senator Mark Kirk
230 South Dearborn Street, Suite 3900
Chicago, IL 60604
Fax: (312) 886-2117

Subject: Cherry Valley Library - iFiber denial of e-rate final

Date: Friday, December 20, 2013 3:20:18 PM Central Standard Time

From: Eve Kirk

To: Toal, Megan (Kirk)

Megan,

DEAR Federal Communications Commission APPEALS process,

In conclusion, I am asking the FCC to REVERSE USAC's denial of the library's submission for e-rate rebates for fiber optic connectivity, 2013-14 fiscal year. The documents sent support my contention that the library did everything in its power to comply with the newly formed non-profit, iFiber, an entity created out of a federal BTOP grant. Any errors or mistakes made on the part of Cherry Valley Library should not be fatal to this process. iFiber has proposed several ways to remediate the problem, but USAC was not amenable to any of them.

One solution suggested was for the library to *terminate* the agreement as stated on page 3; iFiber and the library would then re-enter into an agreement within the time frame that USAC seeks. Since the term of the "Agreement begins on the first date that network connectivity is provided by iFiber," (page 3 of iFiber Agreement), there is no harm, no foul since the dark fiber has not yet lit up. And there is no other fiber provider in the area and no competition that is cut out of the process. If the library was supposed to have listed the service on form 471, Jan. 2012 as "CONTRACT" rather than as "MONTHLY" as directed by a USAC rep, then that form could be amended, too.

Thank you for your attention to this matter.

Eve G. Kirk, Director
Cherry Valley Public Library District
755 E. State St.
Cherry Valley, IL 61016
www.cherryvalley.lib.il.us

Subject: Appeal to FCC - Cherry Valley Library

Date: Friday, December 20, 2013 3:01:47 PM Central Standard Time

From: Eve Kirk

To: Toal, Megan (Kirk)

Hi Megan,

By law, I am supposed to appeal to the FCC within 60 days of the initial denial. THAT was Oct. 28, 2013. I am right at that window, partly because I could not get in contact with the reviewer, Ginna Melendez for 3 weeks. If you can direct me to the correct page on FCC.gov, I couldn't figure out this thing unless I want to "file." While searching APPEAL, there were 3,000 + hits. That isn't right. I can't find the spot that walks me through an appeal.

Thanks,

Eve G. Kirk, Director

Cherry Valley Public Library District

755 E. State St.

Cherry Valley, IL 61016

www.cherryvalley.lib.il.us

Ph. 815-332-5161

815-298-0053 cell

Subject: Eve Kirk and Cherry Valley Library - fiber optic e-rate denial,
Date: Friday, December 20, 2013 2:28:32 PM Central Standard Time
From: Eve Kirk
To: Toal, Megan (Kirk)

Hi Megan,

The crux of the USAC denial of e-rate for this important fiber optic line that we have been anticipating and needing for so long is that I signed a contract in Nov. 2012 with iFiber (a non-profit created as a BTOP federal stimulus grant) PRIOR to allowing vendors to bid on the telecommunication services needed for the library in fiscal year 2013-2014.

- Not true. As I tried to explain many times, I signed a contract LATE for the fiscal year July 1, 2012 – June 30, 2013. But, the e-rate police assert, "You asked for month-to-month services. But then you signed a contract." This is true.
- An e-rate representative TOLD ME HOW TO FILL OUT THE FORM in January of 2012. I asked how to accomplish filling out a form and selecting a vendor when the vendor (iFiber) was still in its formative stages. I have a handwritten note to document this fact. If this was a mistake, it was a mistake of procedure as directed by USAC. It should not be fatal to our case.
- I did signed an "agreement" to be an anchor institution of iFiber, and this agreement notes that the agreement with billing is not enforced until such time as the fiber lights up and we submit bills. (The fiber has not lit up and we do not have any bills.)
- USAC believes that my actions negated the competitive process, because I could have considered other fiber optic vendors. THERE WERE/ARE no other fiber optic vendors in this area of Illinois. That's the point of the iFiber grant – to provide a stable, fast internet network across non-suburban, non-Chicago northern Illinois, first for "anchor institutions" like, um, schools and libraries, villages, towns, other local governments and eventually business and industry in order to STIMULATE THE ECONOMY.

In short -

- Even though I explained at length that the agreement I signed with iFiber Nov. 2012 was in the middle of FY2012-13, and not prior to bidding for 470 services for 2013-14, no one cares.
- No one cares that the agreement does not have the effect of a contract until services begin.
- No one cares that no bills have been submitted because the service hasn't begun.
- No one cares to understand that there was no competition (no other bids) for fiber services because none other exists in our area.
- No one cares that the Schools and Libraries own employee TOLD ME HOW THE APPLY FOR FIBER SERVICES THAT WERE STILL IN THE MAKING, and that I documented this fact.
- No one cares that iFiber and the library's inclusion in the grant is a creation of the federal BTOP program, one of the stimulus programs that was supposed to HELP our struggling economy.
- No one cares that the library's denial can be seen as a lack of fulfillment of the BTOP grant for NIU, the iFiber grant writer.
- No one cares to see the irony of one branch of federal government creating a program (BTOP) for which another branch of the federal government (USAC) denies reasonably priced access to a measly local government, a library for pete's sake.

Now I will send the same series of emails that I sent to USAC compliance reviewer, Ginna Melendez.

Thank you,

Eve G. Kirk, Director
Cherry Valley Public Library District
755 E. State St.
Cherry Valley, IL 61016
www.cherryvalley.lib.il.us

Subject: Cherry Valley Library - email #1 out of sequence - sorry

Date: Friday, December 20, 2013 2:45:58 PM Central Standard Time

From: Eve Kirk

To: Toal, Megan (Kirk)

... and I have sent you what I sent to Ginna Melendez at USAC to document our appeal. Because Megan, the citizens of this library district pay universal fee taxes on their phones, cell phones, and internet. They expect that these fees will, in fact, be used to maintain and improve the telecommunications at their local library, not just support the salaries of grant reviewers apparently given no discretion to use practical, common sense. I have written these e-rate forms for 13 years. I am not trying to scam, defraud, or cheat anyone or any vendor. I receive no money from anyone to try to keep up these services. As a public servant, I have done my e-rate duties above and beyond. The Cherry Valley Library should not be denied. The fiber optic pulled into the library's network room should not remain dark and unused.

Thank you. Merry Christmas and Happy New Year.

Eve G. Kirk, Director
Cherry Valley Public Library District
755 E. State St.
Cherry Valley, IL 61016
www.cherryvalley.lib.il.us

Subject: # 1 Cherry Valley Public Library District - supporting docs for erate Fiber connectivity

Date: Friday, December 20, 2013 2:38:25 PM Central Standard Time

From: Eve Kirk

To: Toal, Megan (Kirk)

From: Eve Kirk [mailto:evек@cherryvalley.lib.il.us]

Sent: Wednesday, November 27, 2013 2:42 PM

To: 'Gmelendez@usac.org'

Subject: Cherry Valley Public Library District - supporting docs for erate Fiber connectivity #1

Hi Ginna,

This series of emails shows the dates of emails sent to the tech person at Northern Illinois University. I became aware of a project that might bring fiber to Cherry Valley through the newspaper? Staff member? from the village of Cherry Valley. (The village hall is a few hundred yards from the library.) More emails coming.

Eve G. Kirk, Director

Cherry Valley Public Library District .

755 E. State St.

Cherry Valley, IL 61016

www.cherryvalley.lib.il.us

Subject: #2 Cherry Valley Library - E-rate supporting documents for fiber

Date: Friday, December 20, 2013 2:33:05 PM Central Standard Time

From: Eve Kirk

To: Toal, Megan (Kirk)

From: Eve Kirk [mailto:evk@cherryvalley.lib.il.us]

Sent: Wednesday, November 27, 2013 2:54 PM

To: 'Gmelendez@usac.org'

Subject: Cherry Valley Library - E-rate supporting documents for fiber #2

Hi Ginna,

Attached is

- 1) my email to Aakash Shastri 10-28-2013 trying to explain the situation
- 2) the iFiber contract which states on page 3, " 7.a *Terms* The term of this Agreement begins on the first date that network connectivity is provided by iFiber" NO NETWORK CONNECTIVITY has yet been provided, though this past Friday, the fiber was hooked into the Cherry Valley Library network, just not lit up – (still not ready.)
- 3) the trouble ticket or whatever you call it to Carol, the e-rate rep on Jan. 10, 2010 to ask how to list iFiber for the 471 when there was not yet a contract and how to handle this as we were still on the old crummy T-1 line from ATT/Frontier.

Another email coming.

Eve G. Kirk, Director
Cherry Valley Public Library District
755 E. State St.
Cherry Valley, IL 61016
www.cherryvalley.lib.il.us

Subject: #3 Cherry Valley Library documents to clarify fiber connectivity
Date: Friday, December 20, 2013 2:34:12 PM Central Standard Time
From: Eve Kirk
To: Toal, Megan (Kirk)

From: Eve Kirk [mailto:evk@cherryvalley.lib.il.us]
Sent: Wednesday, November 27, 2013 3:30 PM
To: 'Gmelendez@usac.org'
Subject: Cherry Valley Library documents to clarify fiber connectivity #4

Hi Ginna,

The first two emails document iFiber's (the non-profit org created out of the federal stimulus grant) desire to get every anchor institution to write a letter of intent. The second two emails show my participation in helping the iFiber organization to understand library types in Illinois and who to contact at the Illinois State Library for more information. This was not anti-competitive; this was initiative, because for many, many areas in Illinois, especially those outside Chicagoland, the connectivity for libraries and schools in the hinterlands of cornfields is(was) nada, nowheresville.

Eve G. Kirk, Director
Cherry Valley Public Library District
755 E. State St.
Cherry Valley, IL 61016
www.cherryvalley.lib.il.us

Subject: #4 Cherry Valley Library e-rate docs for Fiber connectivity
Date: Friday, December 20, 2013 2:35:17 PM Central Standard Time
From: Eve Kirk
To: Toal, Megan (Kirk)

From: Eve Kirk [mailto:evек@cherryvalley.lib.il.us]
Sent: Wednesday, November 27, 2013 3:41 PM
To: 'Gmelendez@usac.org'
Subject: Cherry Valley Library e-rate docs for Fiber connectivity #5

Hi Ginna,

- 1) You can see that by now, iFiber developed a contract and pricing. Please remember that we did select them as a provider for the 471 written in 2012; I just didn't know how to list them, but was told to do it month to month by Carol? From schools and libraries.
- 2) The second email infers they are ready to light up around Jan. 2012. Of course, it didn't happen. But that is why the board decided to go ahead and sign the contract, because iFiber had been written into the e-rate process, the price for "transportation services" had come down, and we thought we were ready to go.
- 3) The third email details again just how delayed this connectivity to fiber became.

Eve G. Kirk, Director
Cherry Valley Public Library District
755 E. State St.
Cherry Valley, IL 61016
www.cherryvalley.lib.il.us

Subject: #5 Cherry Valley Library connectivity for Fiber - samples of responses to vendors, 2013

Date: Friday, December 20, 2013 2:36:18 PM Central Standard Time

From: Eve Kirk

To: Toal, Megan (Kirk)

From: Eve Kirk [mailto:evk@cherryvalley.lib.il.us]

Sent: Wednesday, November 27, 2013 4:48 PM

To: 'Gmelendez@usac.org'

Subject: Cherry Valley Library connectivity for Fiber - samples of responses to vendors, 2013

Ginna,

These are vendors that I responded to after the 470 was posted in Dec. 2012 before 471 was sent in 2013. I cannot document that no one else bid on fiber for internet. There just is no one else at this time.

However, around July 13, 2013, I started reading that iFiber was only going to be a transport provider and get out of the ISP business before they even started. iFiber participants would then choose from a list of ISPs for internet services. If we connected soon, we will just get by with free bandwidth provided through funds from the state legislature for the time being. (If we need more bandwidth (and I am consulting with our IT manager) we will write this into the upcoming 470 /471 process for initial increased bandwidth starting July 1, 2014.)

<http://ifiber.org/ifiber/>
was formed, what it does

Information about the non-profit iFiber group, how it

<http://www.illinois.net/services/default.htm> information about Illinois Century Network, just one of the state government vendors with a SPIN that will be providing increased bandwidth

If you need to contact me, I will be around the week of Dec. 2 (EXCEPT for Wed. Dec. 4) 10 a.m. – 6 p.m. Central Time.

Thank you for your careful consideration.

Eve G. Kirk, Director
Cherry Valley Public Library District
755 E. State St.
Cherry Valley, IL 61016
www.cherryvalley.lib.il.us
Ph. 815-332-5161

Subject: Re: iFiber and Cherry Valley area ??

Date: Thursday, September 19, 2013 9:13:34 AM Central Daylight Time

From: Herb Kuryliw

To: evek@cherryvalley.lib.il.us

Hi Eve,

We had to go through a lot of hurdles to get the connection into Cherry Valley. When we had to change from a river bore to a bridge attachment this required a completely new Environmental Assessment, programmatic approvals and financial approvals. We started that process back in February of 2012 and we were approved June 2013 to proceed. There were also some changes within the route Cherry Valley that had to go through the same process. On top of all of that, we had a difficult time dealing with the City of Rockford and the permitting process. They kept shutting us down for weeks on end due to some petty reasons. The construction of fiber for the Rockford area will be completed by the end of this month. However we will have to fly in a crew of people to start setting up the core networking and customer networks. I don't anticipate that you will see anything till the end of October.

Herb

>>> "Eve Kirk" <evk@cherryvalley.lib.il.us> 9/11/2013 2:06 PM >>>

Hi Herb,

I am writing to you, the big Kahuna, to ask if you know what the deal is with iFiber and nothing happening in Cherry Valley? Further, is there something I can do to help? The library has been existing on a cable connection with no redundant T-1 for 15 months. We've only been down once, taking a direct strike this spring to the cable that fried the cable connection, modem, and firewall. I see the little graph in the iFiber newsletter showing all the libraries and entities that have been connected, and here we sit.

Can you offer me some advice, condolence, assurance that the "light-up" stage will happen soon? Or is the city of Rockford holding this up?

Thanks, Herb. Hope all is well with you and Wendy and family.

Eve G. Kirk, Director
Cherry Valley Public Library District
755 E. State St.
Cherry Valley, IL 61016
www.cherryvalley.lib.il.us

Subject: Re: congratulation on getting the stimulus, but clarification needed

Date: Monday, February 22, 2010 12:25:26 PM Central Standard Time

From: Herb Kuryliw

To: evek@cherryvalley.lib.il.us

You are right, the Rockford bid was denied funding. They are going for round 2 match but it will be tough since there is not matching funds and they are requiring in round 2 to have 30% matching funds. The grant that we got was the one I wrote for DeKalb County. It does not get any further north than Kirkland.

Herb

>>> "Eve Kirk" <evk@cherryvalley.lib.il.us> 2/22/2010 12:15 PM >>>

Hi Herb,

I heard on the news last night about the awarding of the broadband stimulus to NIU. Congratulations on the funding for fiber optic! I am confused (not an unusual state) as to what area the grant will actually cover, since a week ago, the newspaper reported that Rockford's bid for broadband was rejected. Is Cherry Valley in or out?

Hope all is well with you and Wendy and fam. This snow stuff is getting *OLD*.

Warm regards,

Eve Kirk, Director
Cherry Valley Public Library District
755 E. State Street
Cherry Valley, IL 61016
Ph. 815.332.5161
www.cherryvalley.lib.il.us

Subject: Re: update for Cherry Valley area entities
Date: Monday, October 12, 2009 8:30:13 AM Central Daylight Time
From: Herb Kuryliw
To: evek@cherryvalley.lib.il.us

Eve,

Sorry I was on a non-technical vacation that did not allow me to have voice to E-mail services. I have to admit, after the cold shakes on the first day, I never looked back. We will be hearing about the awards on the stimulus package sometime early November around the 5th. The Rockford area package was submitted and also was supported by the State of Illinois to help out with \$5M if it is accepted by the federal program. That is all I really have at this time.

Things are really good with Wendy and I. Of course, we are busy busy busy with the church and all other waking moments go to children and youth. We have the two boys in college now, broke and they still want more. Justin has a job when he graduates in May with Abbott Labs so we are thankful for that. Jared is finishing Jr. College in the next year and plans to go onto SIUE after that. So soon, Wendy and I will be all alone and will have to start partying more LOL.

Herb

■ ■ ■ "Eve Kirk" <evек@cherryvalley.lib.il.us> 10/2/2009 3:37 PM >>>
Hi Herb,

A library board member asked me to check on the status of your stimulus application to get together a group to connect to the NIU fiber. Is there anything you can tell me that I can pass along?

Hope all is well with you and Wendy.

Eve Kirk, Director
Cherry Valley Public Library District
755 E. State Street
Cherry Valley, IL 61016
Ph. 815.332.5161
www.cherryvalley.lib.il.us

-----Original Message-----

From: Herb Kuryliw [<mailto:hkuryliw@niu.edu>]
Sent: Thursday, April 09, 2009 6:49 AM
To: evек@cherryvalley.lib.il.us
Subject: Re: Cherry Valley area entities

The Village does have an agreement to use fiber in the route back along Perryville Rd. However, you will need to connect to the fiber to get back

to NIU or someplace to get services or make connections with Rockford. So we are trying to get a big package together with stimulus funding to make that happen. Since Joe's letter was rather timely, that same day and even hour, we were talking about a consortia in the area to make that all happen. I am trying to get a meeting setup with Rockford Monday. They have an extensive plan in place already but very costly. We are going to try and work with them. So having the addresses in Cherry Valley that would connect would accelerate the process. We are looking to do this within a weeks time if it gets done.

Herb

Herb Kuryliw
Northern Illinois University
Enterprise System Support
Chief Network Architect
DeKalb II, 60115
Phone: (815)753-7220
Cell Phone: (815)751-7464

hkuryliw@niu.edu

||| "Eve Kirk" <evек@cherryvalley.lib.il.us> 4/8/2009 4:44 PM >>>
Hi Herb,

I thought you already had a provisional agreement with the village of Cherry Valley. Anyway, some players I thought of were:

www.cherryvalley.org
village and police

www.cvfpd.org
fire protection district

www.cherryvalley.lib.il.us
library district

<http://webs.rps205.com/>
Rockford Public Schools (includes Cherry Valley Elementary

<http://www.shopcherryvalemall.com/shop/cherryvale.nsf/index>
Cherry Vale Mall

www.rockvalley.edu
Rock Valley College

www.rockford.edu
Rockford College

www.palsnet.info

Prairie Area Library System (Rockford location)

www.ci.rockford.il.us

City of Rockford (mayor just re-elected, but I thought they had a dormant fiber ring downtown)

Gosh this list could go on and on. We would love to get fiber optic from the stimulus money the government is printing as we speak.

Hope all is well with you and Wendy. Happy Easter.

Eve

p.s. This other guy is looking for partners. I have included his stuff FYI.

From: Mike Hammett [<mailto:mhammett@ics-il.net>]

Sent: Tuesday, April 07, 2009 10:59 AM

To: evak@cherryvalley.lib.il.us

Subject: Request for conversation about Internet service and the stimulus bill

I come to you today seeking discussion with you about your organization's telecommunications needs. I am attempting to organize all in the region in the quest for federal grant money. Please read the attached file.

Mike Hammett

Intelligent Computing Solutions

<<http://www.ics-il.com>> <http://www.ics-il.com>

Subject: Stimulus Plan

Date: Thursday, April 16, 2009 11:44:57 AM Central Daylight Time

From: Herb Kuryliw

To: evek@cherryvalley.lib.il.us, joed@discovermediaworks.com

Joe and Eve,

I have talked with the City Rockford to include a fiber route through the Cherry Valley area and extend the fiber into the Village. I need to get some addresses quickly that I can add to the package if you can provide them. I am sorry but I don't have the time to hunt them down myself. If you could give me some address of municipal buildings, the library and perhaps school that you see a need to get networked, I will forward them on. Thanks.

Herb Kuryliw
Northern Illinois University
Enterprise System Support
Chief Network Architect
DeKalb IL, 60115
Phone: (815)753-7220
Cell Phone: (815)751-7464

hkuryliw@niu.edu

Subject: Re: Cherry Valley area entities

Date: Thursday, April 9, 2009 5:49:09 AM Central Daylight Time

From: Herb Kuryliw

To: evek@cherryvalley.lib.il.us

The Village does have an agreement to use fiber in the route back along Perryville Rd. However, you will need to connect to the fiber to get back to NIU or someplace to get services or make connections with Rockford. So we are trying to get a big package together with stimulus funding to make that happen. Since Joe's letter was rather timely, that same day and even hour, we were talking about a consortia in the area to make that all happen. I am trying to get a meeting setup with Rockford Monday. They have an extensive plan in place already but very costly. We are going to try and work with them. So having the addresses in Cherry Valley that would connect would accelerate the process. We are looking to do this within a weeks time if it gets done.

Herb

Herb Kuryliw
Northern Illinois University
Enterprise System Support
Chief Network Architect
DeKalb IL, 60115
Phone: (815)753-7220
Cell Phone: (815)751-7464

hkuryliw@niu.edu

||| "Eve Kirk" <evек@cherryvalley.lib.il.us> 4/8/2009 4:44 PM >>>
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<http://www.shopcherryvalemail.com/shop/cherryvale.nsf/index>
Cherry Vale Mail

www.rockvalley.edu
Rock Valley College

www.rockford.edu
Rockford College

www.palsnet.info
Prairie Area Library System (Rockford location)

www.ci.rockford.il.us
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the stimulus money the government is printing as we speak.

Hope all is well with you and Wendy. Happy Easter.

Eve

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From: Mike Hammett [<mailto:mhammett@ics-il.net>]
Sent: Tuesday, April 07, 2009 10:59 AM
To: evk@cherryvalley.lib.il.us
Subject: Request for conversation about Internet service and the stimulus
bill

I come to you today seeking discussion with you about your organization's
telecommunications needs. I am attempting to organize all in the region in
the quest for federal grant money. Please read the attached file.

Mike Hammett

Intelligent Computing Solutions

<<http://www.ics-il.com>> <http://www.ics-il.com>

Subject: RE: ERate App 893913- Cherry Valley Dist Library
Date: Monday, October 28, 2013 7:52:29 AM Central Daylight Time
From: Shastri, Aakash
To: evek@cherryvalley.lib.il.us

Hello Ms. Kirk,

At this point, my review of your application is complete. If you would like to appeal the denied FRN, you will have the opportunity to do so once you receive your Funding Commitment Letter. This letter will outline what you will need to do in order to appeal the denial. Regarding the other FRN's, the rest of them will be approved.

Also, our department does not deal with the 486, but I can provide you with a number where your questions can be answered. Our Client Services Bureau phone number is 888-203-8100. They will be able to assist you regarding your concerns about the 486.

Thank you,

Aakash Shastri
Associate Manager, Program Integrity Assurance
30 Lanidex Plaza West | Parsippany, NJ 07054
T: 973.581.5056 | F: 973.599.6522
Aakash.Shastri@al.universalservice.org

From: Eve Kirk [mailto:evek@cherryvalley.lib.il.us]
Sent: Friday, October 25, 2013 3:36 PM
To: Shastri, Aakash
Subject: RE: ERate App 893913- Cherry Valley Dist Library
Importance: High

Hi Aakash,

I just couldn't deal with this for a couple of days. I would like to dispute the above finding; however, can the other FRNs for 2013-14 be approved? I have the 486 ready to submit but the Schools and Libraries system won't let me and I believe the deadline is next Monday or Tuesday!

I am appealing your finding because the contract signed for iFiber was for FY 2012-13, entity #135843, form 470 #299350000983622, 471 form application # 839749, (identifier 47102152012), not for the 2013-14 timeframe for which you are checking. (I understand that it would appear that I signed a contract for services prior to posting the 2013-14 470 and 471; not the case.)

At the time of my application on 2-15-2012, there was no contract to sign so I wrote MTM on the 471. You will see that I listed the library's address as the billing account number because we had none. You will see that the monthly charges were supposed to be \$600. You have to understand that the BTOP federal grant for fiber, for which Cherry Valley Public Library District was included, was similar to the rollout of the Affordable Care Act, meaning, the grantees were trying very hard to spend the grant money to stimulate the economy. However, like the ACA, the iFiber group ran into setbacks and hurdles. We were expecting to connect to the fiber on or around July 1, 2012. This was what I was told. I was to sign a contract around that time. But the connectivity to iFiber didn't happen then, or in July, August, September, or October of 2012. Sometime in November 2012, I was informed that the fiber was going to be connected, probably in late November/early December of 2012. I was sent a contract, and the Library Board voted at that time to enter

into the agreement for 2012-13.

But once again the connection did not happen. You can check with the BEARs for 2012-13 service that the bookkeeper at Cherry Valley has submitted. There are none for iFiber for July 1, 2012 – June 30, 2013 because the grant project, as indicated by the project manager, got behind schedule and we had no service. In fact, if you email him, you would likely find that the iFiber project has been granted an extension by the United States Department of Commerce, National Telecommunications and Information Administration (NTIA).

Now, if I need to amend the 471 form application # 839749 submitted 2-15-2012 to reflect "contract" rather than MTM, I'll be happy to do that. I have otherwise followed in good faith the Schools & Libraries FCC e-rate application rules. I posted the services, in this case high-speed internet, and answered any emails that I received from vendors that indicated interest in bidding for our internet services.

Finally, the reality is that in our area, the only real providers have been Comcast Cable and ATT/Frontier. We had terrible connectivity problems with the ATT/Frontier T-1 line over the years. My IT person explained that the line was old, and every time the temperature hovered around 32 degrees, the darn thing went down (he believed due to moisture from thawing.) That was the reason for me to beg Herb Kurylew, iFiber grant writer, to include Cherry Valley Library in the iFiber grant. The NTIA federal grant was meant to bring affordable, reliable high speed internet to schools and libraries and other local governments in Illinois. It would seem terribly ironic that USAC Schools and Libraries would deny e-rate funding to the Cherry Valley Library when I, as library director and ethics officer, in good faith submitted the e-rate application for high speed fiber meant to improve our citizens' connectivity at an affordable price, especially as we have not even yet been connected! If you feel we should cancel the contract for 2012-13, for which we have never received service, and instead enter into a new contract for service 2013-14, we can go that way, too. I'm sure it can be arranged.

If you need to talk to me, call me next week. I'll be around.

Thank you so much,

Eve G. Kirk, Director ph. 815-332-5161
Cherry Valley Public Library District
755 E. State St.
Cherry Valley, IL 61016
www.cherryvalley.lib.il.us

From: Shastri, Aakash [<mailto:aakash.shastri@sl.universalservice.org>]
Sent: Tuesday, October 22, 2013 1:22 PM
To: 'evek@cherryvalley.lib.il.us'
Subject: ERate App 893913- Cherry Valley Dist Library

Hello Ms. Kirk,

Please see the attached letter.

Thank you,

Aakash Shastri
Associate Manager, Program Integrity Assurance
30 Lanidex Plaza West | Parsippany, NJ 07054
T: 973.581.5056 | F: 973.599.6522
Aakash.Shastri@el.universalservice.org

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Subject: iFiber Letter of Intent

Date: Monday, August 15, 2011 12:46:39 PM Central Daylight Time

From: Glenn Trommels

To: evek@cherryvalley.lib.il.us

Eve,

Thanks again for your time this morning to discuss the iFiber project. Attached is the non-binding letter of intent template for the iFiber network. Feel free to modify the language if you'd like.

If you'd like to participate, just format the template on your letterhead, sign and email back to me.

If you have any other questions or you'd like me to discuss with your tech guy, just let me know.

Best Regards,
Glenn

Glenn Trommels
Information Technology Director
City of Rockford, IL
glenn.trommels@rockfordil.gov

P

Please consider the environment before printing this e-mail



Illinois Fiber Resources Group

iFiber
PO Box 755
Sycamore, IL 60178
info@iFiber.org
www.iFiber.org

iFiber Services Agreement Community Anchor Institutions

This SERVICES AGREEMENT, dated as of _____ (as defined in Exhibit A – Locations, Pricing and Network Design) is made by and between iFiber, an Illinois not-for-profit corporation, in Sycamore, Illinois and _____ (“Customer”) a _____, located at _____.

1. Purpose of iFiber

iFiber was organized as the operating entity of a broadband fiber network that was funded by a grant from the United States Department of Commerce, National Telecommunications and Information Administration (NTIA). iFiber provides general technical and development support, network services and co-location to other governmental and not-for-profit organizations.

2. Services Provided

iFiber will provide to Customer the following services as mutually agreed upon and set forth in Exhibit A:

- (a) *Transport.* Network services that provide for a point to point location through the iFiber infrastructure. iFiber can support 50 Mbps, 100 Mbps or 1 Gbps speeds.
- (b) *Internet Services.* iFiber can provide speeds up to a gigabit to competitively priced service providers for general commodity Internet access.
- (c) *Enhanced Services.* iFiber can provide competitively priced services such as VOIP, IPTV, and VM (Virtual Machine).
- (d) *Call-Center Services.* iFiber can provide first and second level Customer support services to report and track network-related problems.
- (e) *NOC Monitoring Services.* iFiber can offer alerting and monitoring service to devices connected through the iFiber fiber network infrastructure. Monitoring services provide an on-call reporting system that provides the end-user notification of failing devices on the network.